verdict. Not to require unanimity in criminal cases, however, strikes one as of doubtful propriety. Yet there would seem to be no constitutional difficulty, apart from special provisions in State constitutions, that does not exist equally in civil cases. If sounder verdicts are to result in civil cases, why not also in criminal? Such a trial is arbitrary in both or in neither. However, before advocating the change in criminal cases it would be better to have it demonstrated by experience that good results do follow in civil cases.

THE SOUTH CAROLINA DISPENSARY LAW UNCONSTITUTIONAL. — The Dispensary Law of South Carolina has just been declared unconstitutional in *Scott* v. *Donald*, 17 Sup. Ct. Rep. 265. This measure has attracted attention throughout the country by reason of its many novel features. Furthermore, the name of its well known author, Senator Tillman, has served to invest the law with an unusual amount of popular interest. The statute in question was peculiar in several respects. It did not purport to prohibit entirely the manufacture and sale of intoxicants, but placed the complete control of this business in the hands of the State. The essential provisions of the law were, that retail sales of liquor should be made only by certain dispensers authorized by the State; that these dispensers should be supplied by the State commissioner; that the commissioner should purchase from the manufacturers, and submit all liquor so purchased to the State chemist for examination; and not until the liquor had been pronounced pure and so labelled was the commissioner permitted to distribute it for selling purposes among the dispensers. No one except the commissioner could buy either from persons within or without the State, unless such persons were dispensers. In his purchases the commissioner was required to give to home producers the preference over those of other States. The profits of the trade were to be divided between the State and the different counties.

The opinion of the majority of the court, in an exhaustive review of all recent cases in which similar points were involved, declares that the measure cannot be considered an inspection law, since the citizens are prohibited from importing all liquors whether pure or impure; and that it is an unwarrantable obstruction to commerce, as discriminating unfairly against the products of other States. It was argued in favor of the law, that such legislation was made possible by the "Wilson Bill," so called, enacted by Congress soon after the famous case of *Leisy* v. *Hardin*, 135 U. S. 100. This bill was passed for the express purpose of allowing States to legislate upon imported liquors as fully as upon those of domestic manufacture. But the decisive answer to this contention was, that the Dispensary Law did not affect residents and non-residents of the State alike. The "Wilson Bill" was not intended as a protection to partial and discriminating legislation. It allowed absolute prohibition, or such regulations as operated equally upon all. But there must be uniformity. The citizens within the State could not be treated in one way and those outside in another. Upon this broad ground the majority of the court seem principally to base their decision.

Mr. Justice Brown, in his dissenting opinion, while admitting the possible invalidity of some parts of the law as having a discriminating effect, yet holds that this does not apply to the main provisions, which should

therefore be upheld, as the statute is severable. This exact point does not appear to be discussed very fully in the majority opinion.

The case is very similar to *Minnesota* v. *Barber*, 136 U. S. 313, in which the same result was reached. But in all questions of interstate commerce, where the relative powers of the States and the Federal government are involved, the true rule, in point of principle, would seem to be for the courts to decline to interfere, unless the State statute be arbitrary or partial, or touch subjects which clearly require one uniform system throughout the country, leaving to Congress its legitimate function of revising, in whatever way it sees fit, such State legislation. See 10 HARVARD LAW REVIEW, 378.

THE PRESENT CONSTITUTION OF THE PRINCIPAL COURTS OF ENGLAND. — The interest attaching to the recent promotion of the Hon. Sir Joseph William Chitty from the Chancery Division to the Court of Appeal suggests that a few words concerning the English courts may not be out of place. Since 1873 the judicial system of England has been so radically and so frequently amended that to many its present arrangement is largely matter of conjecture. The Supreme Court of Judicature is the collective name applied to Her Majesty's High Court of Justice and Her Majesty's High Court of Appeal. The former is a court of original jurisdiction, and is composed of three divisions. These are the Queen's Bench, Chancery, and Probate, Divorce, and Admiralty Divisions. The first consists of a President, who is the Lord Chief Justice of England, and fourteen puisne judges; the second is composed of five judges; a President and a single associate form the third. The divisions are made merely for convenience, as each court has all the powers and jurisdiction of the others; that is, a chancery judge may probate a will if he wishes, but refrains from considerations of expediency. Though appointed to a particular division, any judge may sit and act in any of the three courts. These provisions are the result of the Judicature Acts of 1873 and 1875, a main object of which was the fusion of law and equity. The title of a judge is not derived from his own division, but is Justice of the High Court.

The other division of the Supreme Court, the High Court of Appeal, consists of the Master of the Rolls, who is now judge of appeal only, and whose title is entirely dissociated from its historical significance; five judges with the title of Lords Justices of Appeal, and the following *ex officio* members: the Lord Chancellor, the Lord Chief Justice of England, the President of the Probate, Divorce and Admiralty Division, and all ex-Chancellors. The Court of Appeal sits in two divisions, from one to the other of which the judges constantly change. From this court their lies an appeal to the House of Lords, which may be heard only when at least three Lords of Appeal are present. The Lords of Appeal are the Lord Chancellor, any member who holds or has held high judicial office, this signifying ex-Chancellors and judges and ex-judges of Her Majesty's High Courts, and four Lords of Appeal in Ordinary. These last are life peers with the title of Baron, appointed for the purpose of strengthening the House of Lords as a court. Final appeals from the Colonies and in ecclesiastical matters are sent to the Judicial Committee of the Privy Council. This committee is composed of the Lord President of the Council, any member who holds or has held high judicial